

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CRIMINAL APPLICATION NO. 2862 OF 2014

SATYAJIT VILAS GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicant : None.
APP for Respondent No.1: Mrs.S.D.Shelke.

Advocate for Respondent Nos.2 to 4 : Mr.S.V.Suryawanshi, Advocate h/f
Mr.P.B.Shirsath.

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CORAM : **M. T. JOSHI, J.**
DATE : 17th April, 2015.

Per Court:

1 None for the Applicant. Nobody had appeared for the Applicant on the last date also.

2 Perused the record and the judgment delivered by the learned Judicial Magistrate (First Class), Court No.2, Shrigonda. In paragraph No.11 of the judgment, the learned Judicial Magistrate First Class has discussed all the facts. On the basis of the recitals in the agreement at Exhibit – 37, the learned Judicial Magistrate First Class has come to a conclusion that the transaction between the parties was that of mortgage for three years and the possession of the land was not delivered to the Appellant – Complainant. In the circumstances, the

learned Judge observed that if the possession is not delivered, the Complainant – Vilas Dattatraya Gaikwad, could have filed a civil suit. In the circumstances, the present Respondents were acquitted from the offences punishable under Sections 420, 424, 504 and 506 read with Section 34 of the Indian Penal Code.

3 The learned Judicial Magistrate First Class has taken into consideration the oral as well as documentary evidence. Reasonable and probable view is taken. In the circumstances, there is no need to grant any leave to file appeal. The application is therefore, dismissed.

[M. T. JOSHI, J.]

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